

AMENDED PRELIMINARY SITE DEVELOPMENT AND USE PLAN

For the Planned Commercial District
At 125, 131 and 141 SPRING STREET,
(N/K/A 125 Spring Street, 200, 300, 400 and 500 Patriot Way),
LEXINGTON, MASSACHUSETTS
(the "Planned Commercial District")

Article _____, 2009 Special Town Meeting
Submitted: _____, 2009
Revised: _____, 2009

INTRODUCTION

This Amended Preliminary Site Development and Use Plan is prepared under the provisions of Sections 3.6.1, 3.6.2, 8.2 and 8.4 of the Zoning By-Law [Town of Lexington Code §§135-14, 135-42B and 135-42D].

This Amended Preliminary Site Development and Use Plan is intended to make certain amendments to the original Preliminary Site Development and Use Plan (the "Original PSDUP") for the Planned Development District approved by the May 2004 Town Meeting and for which a Definitive Site Development and Use Plan ("DSDUP") was approved by the Town of Lexington Zoning Board of Appeals on January 24, 2008, which Decision was recorded with the Middlesex South Registry of Deeds at Book 51547, Page 271.¹

This Amended Preliminary Site Development and Use Plan relates to property historically known as the Raytheon Corporate Headquarters located at 125, 131 and 141 Spring Street (N/K/A 125 Spring Street, 200, 300, 400 and 500 Patriot Way) in Lexington on which presently exists a number of buildings occupied by Shire Human Genetic Therapies, Inc. (the "Property"). The Property is currently the site of office/research and development buildings comprising approximately 465,165 gross square feet and approved for 696,600 gross square feet pursuant to the DSDUP². The Property will be redeveloped, and in connection with such redevelopment, 445,000 square feet of new space will be added from that shown on the Original PSDUP, or 380,000 square feet more than currently approved in the DSDUP.⁶

This Amended Preliminary Site Development and Use Plan provides an understanding of the characteristics of the Property and adjoining land, submits a proposal consistent with those characteristics and demonstrates the feasibility of the proposed development along with an evaluation of the off-site impacts of the development and the ability of public services to accommodate the development.

This Preliminary Site Development and Use Plan is divided into the following sections:

¹³ The Zoning Board of Appeals on January 24, 2008 by Special Permit increased the original 631,600 gross square footage by 65,000 square feet while maintaining the net square footage of 505,800⁴ 505,300⁵ square feet.

- I. GENERAL. This section includes general information about the site and identifies the plans, exhibits and documents submitted herewith.
- II. TYPES OF USES PERMITTED. This section describes uses that are permitted within the proposed Planned Commercial District and uses that are permitted with the grant of a special permit in the proposed Planned Commercial District.
- III. DIMENSIONAL STANDARDS. This section describes the maximum allowed dimensional standards that would govern construction in the proposed Planned Commercial District.
- IV. OTHER ZONING PROVISIONS. This section describes other zoning provisions that would be applicable in the proposed Planned Commercial District, including requirements related to landscaping, transition and screening, off-street parking and loading, traffic, signs and lighting and illumination.
- V. TABLE OF DEVELOPMENT DATA. This section sets forth the table of development data for the conceptual layout of the Planned Commercial District. The final project layout is subject to the Dimensional Standards identified in Section III.
- VI. SPECIAL CONDITIONS. This section sets forth the proposed special conditions that would apply within the Planned Commercial District.

I. GENERAL

- A. **Location and Boundaries**: The Property included in this Planned Commercial District is commonly known as 125, 131 and 141 Spring Street, Lexington (N/K/A 125 Spring Street, 200, 300, 400 and 500 Patriot Way). The boundaries of the area which was rezoned to a Planned Commercial District in accordance with the Town of Lexington Town Meeting approval on May 2004, is included in the Amended Preliminary Site Development and Use Plan set shown as Sheet C1.1 Site Analysis Map. A metes and bounds description of the boundaries of the parcels comprising the area within the Planned Commercial District is attached as Appendix 4.
- B. **Plans, Exhibits and Documents**: The following plans, exhibits and other documents are part of this Preliminary Site Development and Use Plan.

1. Plans

The Original Preliminary Site Development and Use Plans as approved by the Lexington Town Meeting on May 2004, have been superseded by the following Preliminary Site Development and Use Plans:

<u>Sheet No.</u>	<u>Title - Prepared by</u>	<u>Most Recent Date</u>
C1.1	Site Analysis Map	February 23, 2009
C1.2	Locus Context Map	“
C2.1	Property Rights and Dimensional Standards Plan A	“
C2.2	Property Rights and Dimensional Standards Plan B	“
C3.1	Site Construction and Utilities Plan A	“
C3.2	Site Construction and Utilities Plan B	“
C4.1	Landscape - Planting Plan A	“
C4.2	Landscape - Planting Plan B	“

Said plans are entitled

2. List of Appendices

- Appendix 1: Traffic Study
Prepared by Tetra Tech Rizzo – February 18, 2009
- Appendix 2: Site Utilities Plan
Prepared by SMMA, February 23, 2009
- Appendix 3: Fiscal Impact Analysis
Prepared by Connery & Associates, February 23, 2009
- Appendix 4: Legal Description
Prepared by SMMA – February, 2009
- Appendix 5: Locus Plan
Prepared by SMMA – February, 16, 2009
- Appendix 6: Conceptual Site Plan
Prepared by SMMA – February 23, 2009
- Appendix 7: Conceptual Architectural Images
Prepared by SMMA – February 23, 2009
- Appendix 8: Table 1 – Permitted Uses and Development Standards of the Zoning Bylaw of Lexington (2003 Zoning By-law)

C. **Definitions:**

Except as provided below, defined terms shall have the same meanings as in the 2003 Zoning By-Law (hereinafter defined). The following terms shall have the following meanings in this Planned Commercial District and shall govern the Property:

- (1) **Frontage.** For purposes of these zoning provisions, "Frontage" shall mean⁹ **also include**¹⁰ the line adjacent to ~~(a) any internal site drive of any length which connects to a way described in subclause (b), (c) or (d), below,~~¹¹ approved by the Board of Appeals of the Town pursuant to Section 8.5 of the 2003 Zoning By-Law as part of any definitive site development and use plan; ~~or (b) a public way which the Town Clerk certifies is maintained and used as a public way, or (c) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (d) a way in existence when the subdivision control law became effective in the Town of Lexington, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.~~ Frontage shall be measured in a single, continuous, uninterrupted line along a street or streets. All frontage created utilizing the above provisions/definitions, shall be solely for the use of lots created through this Preliminary Site Development and Use Plan¹³.
- (2) **Lot.** A parcel of land used or set aside and available for use on the site of one or more buildings and buildings accessory thereto or for any definite purpose in one (1) ownership and may be divided by a street or way and shall include any land within the limits of a public or private way upon which such lot abuts. A lot for purposes of these zoning provisions may or may not coincide with a lot of record.

D. **Miscellaneous:**

In recognition of the intent and purpose of Section 8 of the 2003 Zoning By-Law which is to permit considerable flexibility in the development of individual tracts of land, in the event of: (I) any conflict between the provisions of these zoning provisions and the 2003 Zoning By-Law or any other by-law or regulation of the Town; or (ii) ambiguity under the these zoning provisions, such conflict or ambiguity shall be resolved or construed in a manner consistent with and to permit satisfaction of the development intent described in the Preliminary Site Development and Use Plan.

II. **TYPES OF USES PERMITTED**

A. **Permitted Uses**

The principal uses for the CRO, Regional Office zoning district listed in Table 1, Permitted Uses and Development Standards, of the Zoning By-Law of the Town of Lexington containing all amendments approved by the 2003 Town Meeting (the "2003 Zoning By-Law") and accessory uses otherwise permitted under the 2003 Zoning By-Law are permitted uses in this Planned Commercial District. A copy of Table 1 is attached hereto as Appendix 8. In addition, the following uses shall be permitted, provided a Special Permit with Site Plan Review is granted by the Board of Appeals:

- 13.13 Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including the production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative and support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, laws, regulations and ordinances governing air pollution, water pollution control, noise and illumination.

B. Other Uses Allowed By Special Permit

Other uses which are not listed in¹⁴ **permitted as of right pursuant to**¹⁵ this Amended Preliminary Site Development and Use Plan but are listed in Table 1 (Permitted Uses and Development Standards) of the 2003 Zoning By-Law;¹⁶ for the CRO District may be permitted;¹⁷ provided a Special Permit with Site Plan Review is granted by the Board of Appeals.

III. DIMENSIONAL STANDARDS

The following dimensional standards shall apply to this Planned Commercial District in accordance with Section 8.2.1 of the 2003 Zoning By-Law [Town of Lexington Code §135-42B]:

Maximum Gross Floor Area*	(a) ¹⁸ 1,076,600 s.f. - <u>Occupied Buildings</u> ¹⁹
	(b) <u>510,000 s.f.- Garage Space</u> ²⁰
	<u>Total 1,586,600 s.f.</u> ²¹
Maximum Net Floor Area:*	806,555 s.f.
Maximum Floor Area Ratio (F.A.R.):*	0.24
Maximum % Site Coverage:*	25%
Maximum Height of Buildings:**	45 to 80 feet
Maximum Impervious Surface Ratio:*	35.7%
Minimum Yard Setback:***	50.0 feet

* In this Planned Commercial District, any single lot may exceed one or more of the above dimensional standards, so long as all of the lots in the district, taken in the aggregate, do not exceed any of the above dimensional standards. ~~In the event that the Zoning By-Laws of the Town of Lexington permit a more permissive ratio in a CRO Zoning District, the Planned Commercial District will be allowed to utilize such amended ratio~~²² **Notwithstanding anything to the contrary contained in the Zoning By-Law, Net Floor Area shall exclude the square footage of parking structures**²³.

- ** The maximum building height is 45 feet, except for the following areas denoted on the plan entitled "Conceptual Site Plan", dated February 23, 2009, prepared by Symmes Maini & McKee Associates. The maximum height within the Building 400 Envelope is 54.5 feet, within the Building C Envelope is 68 feet, and within the Building D Envelope is 80 feet. Structures erected (including enclosed space) on a building and not used for human occupancy, such as chimneys, heating-ventilating or air conditioning equipment, solar or photo-voltaic panels, elevator housings, antennas, wireless communication facilities that are permitted as provided in Section 15, skylights, cupolas, spires and the like may exceed the maximum height of the building in feet provided no part of the structure is more than 20.0 feet higher than the upper elevation of the building and the total horizontal coverage of such structures on the building does not exceed 50.0%.
- *** The minimum yard setback shall only apply to yards along lot lines that coincide with the perimeter of the district (as opposed to yards along lot lines that are in the interior of the district, for which no specific yard setback shall be required).

Lot lines may be established pursuant to a subdivision plan to be filed in accordance with Massachusetts General Laws Chapter 41; Section 81K et seq. and these lot lines may be altered from time to time in accordance with the procedures of Section 81P of Chapter 41 of the Massachusetts General Laws for so-called "Approval Not Required Plans" and/or the applicable provisions of Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws for any subdivision of the CRO District.

The Plan entitled "Conceptual Site Plan" dated February 23, 2009 prepared by Symmes, Maini & McKee Associates (SMMA) submitted as part of this Amended Site Development and Use Plan denotes certain development envelopes wherein proposed structures are to be located. The Owner/developer of the Property or any portion thereof shall be permitted to locate and relocate buildings and modify building footprints within these development envelopes shown on the aforementioned Proposed Site Plan subject to compliance with these zoning provisions and such relocations shall not be deemed a substantial deviation of this Site Development and Use Plan."

IV. OTHER ZONING PROVISIONS

A. Landscaping, Transition and Screening

The existing topography and vegetation on this Property provides a character that is of vital importance to the neighborhood, community and the Owner. The proposed project has been carefully designed to retain the scale and character of the site. Along Shade Street, all of the perimeter trees and plantings have been retained. Proposed plantings are intended to reinforce and complement the existing landscaping and provide a natural and proper setting for the new building(s). Plant materials will be evergreen and deciduous with ornamental plantings in the vicinity of the new building(s) and walkways. Plant materials will be sized to respond to and enhance the proposed building(s) and landscaping.

Landscape planting will be provided in general as shown on Sheet C4.1 Landscape Planting Plan A and Sheet C4.2 Landscape Planting Plan B. The Definitive Site Development and Use Plan to be presented to the Special Permit Granting Authority will provide greater detail.

B. Off-Street Parking and Loading

As shown on Sheet C2.1 of the Preliminary Site Development and use Plan, prepared by SMMA dated January 9, 2004, amended to February 23, 2009, the applicant has provided for 2,646 off-street parking spaces.

Off-street parking and loading in this Planned Commercial District shall be provided in compliance with Section 11 of the 2003 Zoning By-Law [Town of Lexington Code Ch. 135, Art. XI], except as follows:

1. Parking for all buildings (both existing and proposed) and both the office and research and development uses on the property shall be permitted in common parking lots as of right without a special permit as provided for under Section 11.4 of the 2003 Zoning By-Law [Town of Lexington Code §135-65].
2. Notwithstanding Section 6.6 of the 2003 Zoning By-Law [Town of Lexington Code §135-31], parking spaces and loading bays in this Planned Commercial District existing as of this date are not required to comply with Sections 7.4, 11.6 or 11.7 of the 2003 Zoning By-Law [Town of Lexington Code §§135-38, 135-67 and 135-68] regarding location, yards, screening, driveways and design standards, so long as they are not substantially altered from their presently existing state, except that parking spaces along a lot line that coincides with the perimeter of the district (as opposed to spaces along a lot line that is in the interior of the district) shall be required to comply with the ten-foot setback from a lot line provided for by Section 11.6.2 of the 2003 Zoning By-Law [Town of Lexington Code §135-67], and provided that any new parking spaces shall have a minimum width of 9 feet and a minimum depth of 18 feet.
3. There shall be no required setback from the side and rear lot lines under Section 11.6.2 of the 2003 Zoning By-Law [Town of Lexington Code §135-67] in this Planned Commercial District for the paved parts of parking spaces, driveway or maneuvering aisles, and these features may extend up to the side and rear lot lines, except that parking spaces along a lot line that coincides with the perimeter of the district (as opposed to spaces along a lot line that is in the interior of the district) shall be required to comply with the ten-foot setback from a lot line provided for by Section 11.6.2 of the 2003 Zoning By-Law [Town of Lexington Code §135-67]. In addition, the landscaping requirements of Section 11.7.9 of the 2003 Zoning By-Law [Town of Lexington Code §135-68] shall not apply.
4. The Board of Appeals in connection with any Site Plan/Special Permit may waive the actual construction of required parking provided that such parking is held in reserve to be constructed upon a determination by the Board of Appeals that such parking is necessary. Notwithstanding the foregoing, the Owner/Developer of the Property or any portion thereof upon notice to the Zoning Board of Appeals shall be permitted to construct such reserved parking in accordance with plans approved by the Board of Appeals.

In the event that any lot in this Planned Commercial District is subdivided:

- (i) Parking spaces required for one lot may be located on a separate lot which may be in separate ownership, without a special permit under Subsection d. of Section 11.8 (Exceptions, Special Permits) of the 2003 Zoning By-Law [Town of Lexington Code §135-69] notwithstanding Section 11.4.1 (Location of Off-Street Parking, Loading Bays) of the 2003 Zoning By-Law [Town of Lexington Code §135-65] so long as:
 - (a) all such spaces are for employees only, and not clientele; and
 - (b) an easement guaranteeing long-term use of such spaces, and satisfactory in form to the Town Counsel, is executed and filed in the Registry of Deeds of Middlesex County.
- (ii) A driveway on one lot may lead to a parking space or loading bay on another lot, or straddle the lot line and serve a parking space or loading bay on two or more lots without a special permit under Subsection c. of Section 11.8 (Exceptions, Special Permits) of the 2003 Zoning By-Law [Town of Lexington Code §135-69], and notwithstanding Sections 7.3.2 (Access) and 11.5.1 (Driveways) of the 2003 Zoning By-Law [Town of Lexington Code §§135-37 and 135-66] so long as a binding agreement, satisfactory in form to the Town Counsel, is executed and filed in the Registry of Deeds of Middlesex County prior to the issuance of a certificate of occupancy for the affected building(s).

Notwithstanding Sections 11.7.9.b of the 2003 Zoning By-Law [Town of Lexington Code §§135-68], landscaping and screening shall be as shown on Sheets C4.1 and C4.2 of the Preliminary Site Development and Use Plan.

The requirements of Section 11.7.2.e of the 2003 Zoning By-Law [Town of Lexington Code §§135-68] shall apply in order to provide a circulation system of the lot “so that all vehicles may exit from and enter onto a public street by being driven in a forward direction.”

C. Traffic

The mitigating measures and cost sharing formulas concerning traffic described in Appendix 1 of this Amended Preliminary Site Development and Use Plan, address the requirements of Section 12 of the 2003 Zoning By-Law [Town of Lexington Code Ch. 135, Art. XII].

D. Signs

Signs are permitted in compliance with Section 13 of the 2003 Zoning By-Law [Town of Lexington Code Ch. 135, Art. XIII].

E. Lighting and Illumination

Exterior lighting and hours of operation will be specified after consultation with the Design Advisory Committee. ~~In any event, exterior lighting which emits "white light with a good color rendering" will be used~~²⁴ shall comply with the applicable by-laws and regulations of the Town of Lexington²⁵.

V. TABLE OF DEVELOPMENT DATA (As defined on Page 2 of this document)

A.	Total land area:	4,164,597 s.f. (95.6 acres)
B.	Area of vegetated wetland:	803,950 s.f.
C.	Developable site area:	3,360,647 s.f.
D.	Site Coverage of Buildings	12%
E.	Total proposed impervious surface area:	1,178,150 s.f.
F.	Impervious surface ratio:	35.1%
G.	Proposed total gross floor area:	(a) ²⁶ 1,071,270 s.f. <u>Occupied Building</u> ²⁷ (b) <u>504,460 s.f. Garage Space</u> ²⁸ <u>Total 1,575,730 s.f.</u> ²⁹
H.	Proposed net floor area:	806,555 s.f.
I.	Floor area ratio:	0.24
J.	Total number of off-street parking spaces:	2646*
K.	Number of loading bays:	18

* Includes 181 reserve parking spaces (See note on Preliminary Site Development and Use Plans).

VI. SPECIAL CONDITIONS

The following special conditions shall apply in this Planned Commercial District:

- A. Applicable Zoning By-Law: The land and development in this Planned Commercial District is subject to the provisions, with modification as noted herein, of the 2003 Zoning By-Law sections of the Town of Lexington Code.
- B. Transfer: Any sale or transfer of rights and interests in the property in this Planned Commercial District shall include a condition that successors and assigns are bound to the terms and conditions of this Preliminary Site Development and Use Plan and of any Special Permit with Site Plan Review (SPS) or other Special Permit granted by the Board of Appeals for this zoning district.
- C. Traffic and Transportation Demand Management: A Traffic Demand Management Plan is attached as Appendix 1.
- D. Traffic Mitigation: A Traffic Mitigation Plan is included in Appendix 1.

- E. Conservation Restriction: The Owner of the Property shall preserve those portions so noted on Plans Sheets C2.1 and C2.2 as "Conservation Restriction Area" as open and non-developed (except for required infrastructure i.e., roads, utilities) and/or the Owner may elect to grant to the Conservation Commission of the Town of Lexington a Conservation Restriction pursuant to Massachusetts General Laws, Chapter 184, Sections 31, 32 and 33 for that area designated as "Conservation Area" as shown on the Plan. The Owner shall submit any proposed Conservation Restriction for state and local approval. If approved, the Conservation Restriction shall be recorded with the Middlesex South Registry of Deeds.

- E.³⁰ Tax Increment Financing: As a precondition to the development of Building 100, the owner of the parcel of land on which such building is to be constructed shall amend the terms and provisions of that certain Tax Increment Financing Agreement by and between the Town and Shire Human Genetic Therapies Inc. ("Shire") dated October 2007 (the "TIF") to either: (a) remove said parcel from the terms and provisions of the TIF; or (b) amend the TIF to include the value of Building 100.³¹**

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